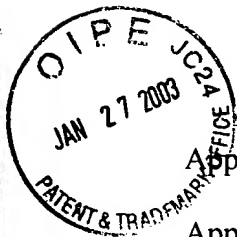


AXIAMD.004A

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Andrew H. Cragg et al.
Appl. No. : 09/709,105
Filed : November 10, 2000
For : METHOD AND APPARATUS
FOR FORMING CURVED
AXIAL BORES THROUGH
SPINAL VERTEBRAE

Group Art Unit 3731

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: United States Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, on

January 21, 2003
(Date)
Gerard von Hoffman
Gerard von Hoffman, Reg. No. 33,043

Examiner : Daniel J. Davis

RESPONSE TO RESTRICTION REQUIREMENT

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

RECEIVED

JAN 30 2003

Dear Sir:

This communication is in response to the Office Action mailed December 19, 2002. The Examiner has required restriction to one of two inventions:

- Group I (Claims 1-9 and 22-30), drawn to a process of using, classified in Class 606, Subclass 61; and
- Group II (Claims 10-21 and 31-42), drawn to an apparatus, classified in Class 606, Subclass 80.

The Examiner has also required election of one product species and one method species from the following species:

Appl. No. : 09/709,105
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- Product Species Figure(s)
 - 1 7-9
 - 2 19-21
 - 3 22-25
- Method Species Figure(s)
 - 1 Posterior Boring 10-13
 - 2 Anterior Boring 14-18
 - 3 Divergent Boring 26

Applicant hereby elects, without traverse, to prosecute the claims directed to Group I (Claims 1-9 and 22-30), classified in Class 606, Subclass 61, Method Species 2 (Figures 14-18), and Product Species 1 (Figures 7-9) in the present application. Each of the elected Claims 1-9 and 22-30 is believed to read upon Figures 7-9 and 14-18, taking into account the corresponding written description. Please cancel Claims 10-21 and 31-42, directed to Group II. Applicant reserves the right to pursue the nonelected claims in one or more continuing applications. Accordingly, prompt examination on the merits of Claims 1-9 and 22-30 is respectfully requested.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1/21/03

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